| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/510,882 | 10/08/2004 | Richard Breuer | DE 020087 | 6337 |

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| EXAMINER |
|---|
| ARMSTRONG, ANGELA A |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2626 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/510,882 | BREUER, RICHARD |
| | Examiner | Art Unit | |
| | ANGELA A. ARMSTRONG | 2626 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>08 October 2004</u>.

2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) <u>1-3, 7-9, 11-12 and 14-15</u> is/are rejected.

7)☒ Claim(s) <u>4-6,10 and 13-15</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some *  c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/8/04</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

### *Specification*

1.      Claims 4-6, 10, and 13-15 are objected to under 37 CFR 1.75(c) as being in improper

form because a multiple dependent claim cannot depend from any other multiple dependent

claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the

merits.

### *Claim Rejections - 35 USC § 101*

Claims 14 and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to

non-statutory subject matter.   Claims 14 and 15 are directed to a computer program.  Computer

programs are not one of the statutory classes of invention under 35 U.S.C 101.  As such, the

computer program claims are non-statutory.

### *Claim Rejections - 35 USC § 102*

2.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

3.      Claims 1-3 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Gamm

(US Patent No. 6,078,887).

4.      Gamm discloses a speech recognition system for recognizing numeric characters.

Regarding claim 1, Gamm discloses a method of speech recognition of symbol sequences (col. 3,

lines 14-32) in which initially a spoken and recognized first symbol sequence is output by means

of a speech output device for verification by a user (col. 4, lines 9-15) and in case of a faulty

recognition of the first symbol sequence a spoken second symbol sequence is recognized and

compared with the first symbol sequence (col. 4, lines 63-64), the sub-symbol sequence of the

first symbol sequence being determined partly corresponding to the second symbol sequence and

having the lowest number and/or a predefined number of deviations from the second symbol

sequence (col. 5, line 9 continuing to col. 7, line 3), and, finally, the first symbol sequence is

corrected at the position of the sub-symbol sequence with the aid of the second symbol sequence

(col. 4, lines 16-90; col. 5, lines 32-36; col. 6, line 16 to col. 7, line 3), characterized in that

determining the correcting sub-symbol sequence comprises a comparison of the second symbol

sequence with such sub-symbol sequences of the first symbol sequence that are a number of

symbols longer or shorter than the second symbol sequence (col. 5, line 4 to col. 6, line 15).

5.      Regarding claim 2, Gamm discloses a search is made for a sub-symbol sequence that has

the same length as the second symbol sequence, after that for at least a sub-symbol sequence that

is longer than the second symbol sequence and, finally, for at least a sub-symbol sequence that is

shorter than the second symbol sequence (col. 5, line 4 to col. 6, line 15).

6.      Regarding claim 3, Gamm discloses sub-symbol sequences are searched for that have a

deviation from the second symbol sequence at exactly one symbol position and, finally, sub-

symbol sequences that have a deviation from the second symbol sequence at exactly two symbol

positions while a deviation may be another, a lacking or an additional symbol (col. 4, lines 16-

90; col. 6, line 16 to col. 7, line 3).

7.      Regarding claim 11, Gamm discloses a system for speech recognition of symbol

sequences - comprising a speech recognition device for recognizing spoken symbol sequences

and commands (col. 3, lines 14-32), comprising a speech output device for outputting a spoken

and recognized first symbol sequence to be verified by a user (col. 4, lines 63-64), a comparator

device for comparing a spoken and recognized second symbol sequence with the first symbol

sequence when the first symbol sequence is recognized erroneously and then determining a sub-

symbol sequence of the first symbol sequence which partly corresponds with the second symbol

sequence and then has the lowest and/or a predefined number of deviations from the second

symbol sequence (col. 4, line 16 to col. 5, line 36), and comprising a correction device for

correcting the first symbol sequence in the range of the sub-symbol sequence on the basis of the

second symbol sequence, characterized in that the comparator device comprises means for

making a comparison of the second symbol sequence with such sub-symbol sequences of the

first symbol sequence that are a number of symbols longer or shorter than the second symbol

sequence (col. 5, line 9 to col. 7, line 3).


## Claim Rejections - 35 USC § 103

8.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.      Claims 7-9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gamm

in view of Hon et al (US Patent No. 5,852,801).

10.     Regarding claim 7, Gamm discloses a method of speech recognition of symbol

sequences, in which initially a spoken and recognized first symbol sequence is output for

verification by a user by means of a speech output device (col. 4 lines 9-15) and when the first

symbol sequence is recognized erroneously, a spoken second symbol sequence (col. 4, lines 63-

64) is compared with the first symbol sequence: a sub-symbol sequence of the first symbol

sequence being determined that partly matches the second symbol sequence and has the lowest

number and/or a predetermined number of deviations from the second symbol sequence (col. 4,

lines 16-90; col. 5, line 9 to col. 7, line 3), and, finally, the first symbol sequence in the section of

the sub-symbol sequence is corrected on the basis of the second symbol sequence.  Gamm does

not teach plurality of alternatives of corrected versions of the first symbol sequence is

determined and output to the user for verification purposes.  Hon teaches a method and apparatus

for reducing recognition errors which displays an alternative list of N-best words for correcting

recognized input (col. 8, lines 8-18).  It would have been obvious to one of ordinary skill at the

time of the invention to modify the system of Gamm to implement displaying an alternative list

of words for use in correcting recognition errors, as was well known in the art, for the purpose of

allowing the user to correct errors without having to repeatedly provide the input or desired

words.

11.     Regarding claim 8, the combination of Gamm and Hon teaches a maximum number of

alternative corrections via the N-best alternative list.

12.     Regarding claim 9, the combination of Gamm and Hon teach corrected versions of the

first symbol sequence in which the number of deviations from the initially recognized first

symbol sequence is situated below a maximum value, are determined and output (col. 4, lines 16-

90 and col. 5, line 9 to col. 6, line 15-- the system checks for differences in sequence lengths and

positions).

13.     Regarding claim 12, Gamm discloses a system of speech recognition of symbol

sequences, comprising a speech recognition device in which initially a spoken and recognized

first symbol sequence is output for verification by a user by means of a speech output device

(col. 4 lines 9-15) and when the first symbol sequence is recognized erroneously, the second

recognized sequence (col. 4, lines 63-64) is compared with the first symbol sequence: a sub-

symbol sequence of the first symbol sequence being determined that partly matches the second

symbol sequence and has the lowest number and/or a predetermined number of deviations from

the second symbol sequence (col. 4, lines 16-90; col. 5, line 9 to col. 7, line 3), and, finally, the

first symbol sequence in the section of the sub-symbol sequence is corrected on the basis of the

second symbol sequence.  Gamm does not teach plurality of alternatives of corrected versions of

the first symbol sequence is determined and output to the user for verification purposes.  Hon

teaches a method and apparatus for reducing recognition errors which displays an alternative list

of N-best words for correcting recognized input (col. 8, lines 8-18).  It would have been obvious

to one of ordinary skill at the time of the invention to modify the system of Gamm to implement

displaying an alternative list of words for use in correcting recognition errors, as was well known

in the art, for the purpose of allowing the user to correct errors without having to repeatedly

provide the input or desired words.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELA A. ARMSTRONG whose telephone number is (571)272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Angela A Armstrong/
Primary Examiner, Art Unit 2626